prohibition statutes, as extended by the WEBB-KENYON ACT, March 1, 1913, c. 90, 37 Stat. 699 (U. S. Comp. St. 1916, sec. 8739), were inapplicable to such an interstate shipment. *Moragne* v. *State,* (Ala., 1917), 77 So. 322.

In the trial court and on appeal, in the instant case, it was held that the effect of the Alabama prohibition statutes, in connection with the WEBB-KENYON BILL, made the carrying of such liquors along the state highways, though the carrying be merely through the state as a necessary part of an interstate routing, a violation of the Alabama prohibition statutes. The Supreme Court did not so construe the state and federal statutes. It held that the state statutes did not apply, were never intended to apply, and would be unconstitutional and void if they did apply, to such an interstate carrying or possession of such goods, for the sole purpose of transportation; and that the WEBB-KENYON BILL did not have the effect of extending the statutes to such a case. The broadest scope which any cases have given to the WEBB-KENYON ACT is that it prohibits the shipment or transportation of liquor from one state into another, either when it is intended to be sold in violation of any law of the latter state, or when it is to be received, possessed, or used, in any manner, in violation of the state law; but no case has ever held, and the instant case expressly holds to the contrary, that it was intended to apply to interstate shipments of liquors, where the liquors are merely passing through the state, and are not bought, sold, possessed, stored, or used there in any manner. For full notes on the construction and effect of the WEBB-KENYON BILL, see: L. R. A., 1916C, 299; L. R. A. 1917B, 1229.

CONSTITUTIONAL LAW—ARMY AND NAVY—FREEDOM OF THE PRESS.—A state statute made it a criminal offense to advocate that men should not enlist in the military forces or aid in prosecuting the war. *Held,* circulating a pamphlet which impugns the motives of the President and Congress in entering into the war and seeking by unfounded assertions to incite antagonism to the war, the natural tendency of which is to defer enlistments, is a violation of the statute, which is constitutional. *State* v. *Holm,* (Minn., 1918), 166 N. W. 181.

The defense in this case was that the statute was unconstitutional because it conflicted with section 8 of article 1 of the Federal Constitution, giving Congress power to raise and maintain an army and because it abridges freedom of speech secured by the 14th Amendment. Further the defendant contended that this statute had been superseded and abrogated by the Espionage Law of June 15, 1917. The defendant proceeded on the ground that the power to raise armies and make all laws necessary for carrying conferred powers into effect is exclusive and that this statute is in conflict. Even assuming that the power is exclusive it is hard to see how this act trenches upon the power of the national government. The court held that in enacting it as a police regulation the legislature was well within its province. A law of the state of Illinois prohibiting any body of men other than the militia of the state and the troops of the United States from drilling or parading without a license from the governor is constitutional. *Presser* v. *People of Illi-*

nois, 116 U. S. 252. A statute of Pennsylvania providing that a member of the militia of the state, who was called into the services of the United States and who refused to obey such call, should be tried by a state court martial is valid. *Houston* v. *Moore,* 18 U. S. (5 Wheat) 1. It was not shown in this case that the statute was in conflict with the Espionage Law. Concerning a similar situation it is said in *Ex parte Siebold,* 100 U. S. 371, that Congress may make regulations on the same subject or may alter or add to those already made; the paramount character of those made by Congress has the effect to supersede those made by the state so far as the two are inconsistent, and no farther. As to the defense of the conflict with the Fourteenth Amendment, that is still a mooted question. There is no doubt, however, that at a time like this such an act would be sustained because of the great importance of the public safety. The court said, "The United States is at war and we think the legislature did not exceed its power."

CONSTITUTIONAL LAW—SEED GRAIN LAW—LOANS TO FARMERS.—The state constitution provided that the several counties of the state shall provide as may be prescribed by law, for those inhabitants who by reason of age, infirmity or other misfortune may have claims upon the sympathy and aid of society. *Held,* a law providing for loans upon certain conditions to farmers who are unable to secure seed is for a public purpose and constitutional. *State ex rel. Cryderman* v. *Wienrich,* (Mont., 1918), 170 Pac. 942.

The question involved in cases of this kind is whether this is a loaning of the public credit for a private purpose. Taxation cannot be imposed for a private purpose and if the state can appropriate for a private purpose the money in its treasury and then replace it by taxation it can do indirectly what it cannot do directly. That one is not a proper subject of relief until he is actually a pauper was held in *State ex rel. Griffith* v. *Osawkee Twp.,* 14 Kan. 418. A statute authorizing the city of Boston to issue bonds and lend the proceeds on mortgage to the owners of land, the buildings upon which were destroyed by the great fire of 1872 was unconstitutional. *Lowell* v. *City of Boston,* 111 Mass. 454. The Supreme Court of the United States has decided that a statute authorizing a town to issue its bonds in aid of a manufacturing enterprise is invalid. *Loan Assoc.* v. *Topeka,* 20 Wall 655. Apparently the only state in which public aid to a privately owned railroad is not allowed in Michigan. *People* v. *Salem,* 20 Mich. 452. A statute appropriating money to be loaned to farmers except those having more than 160 acres free from incumbrance, for the purpose of buying seed grain, appropriate public money for a private use and is unconstitutional. *William Deering & Co.* v. *Peterson,* 75 Minn. 118. The contrary view is upheld in *State* v. *Nelson Co.,* 1 N. D. 88. In this last mentioned case the distress was widespread. Every case of this kind must stand on its own peculiar facts. This decision seems correct in view of the enormous demand for food products in all parts of the world. It is simply a war measure. Otherwise the case would seem to be parallel with *Lowell* v. *Boston,* and a different decision should be reached. See *Pennsylvania R. Co.* v. *United States,* 246 Fed. 881, which laid emphasis on